

**PLANNING AND ZONING COMMISSION  
STAFF REPORT**

**September 3, 2015**



**Conditional Use Permit Case no. CU15-08: Hill Country Tabacalera**

**CASE DESCRIPTION:** request for approval of a Conditional Use Permit, to allow a nightclub with a floor area of less than 5,000 square feet (“cigar bar”) on property in a Retail District (C-2)

**LOCATION:** 3700 South Texas Avenue, Suite 650, in the North Park Plaza Shopping Center adjoining the southwest side of South Texas Avenue between Dunn Street and East North Avenue

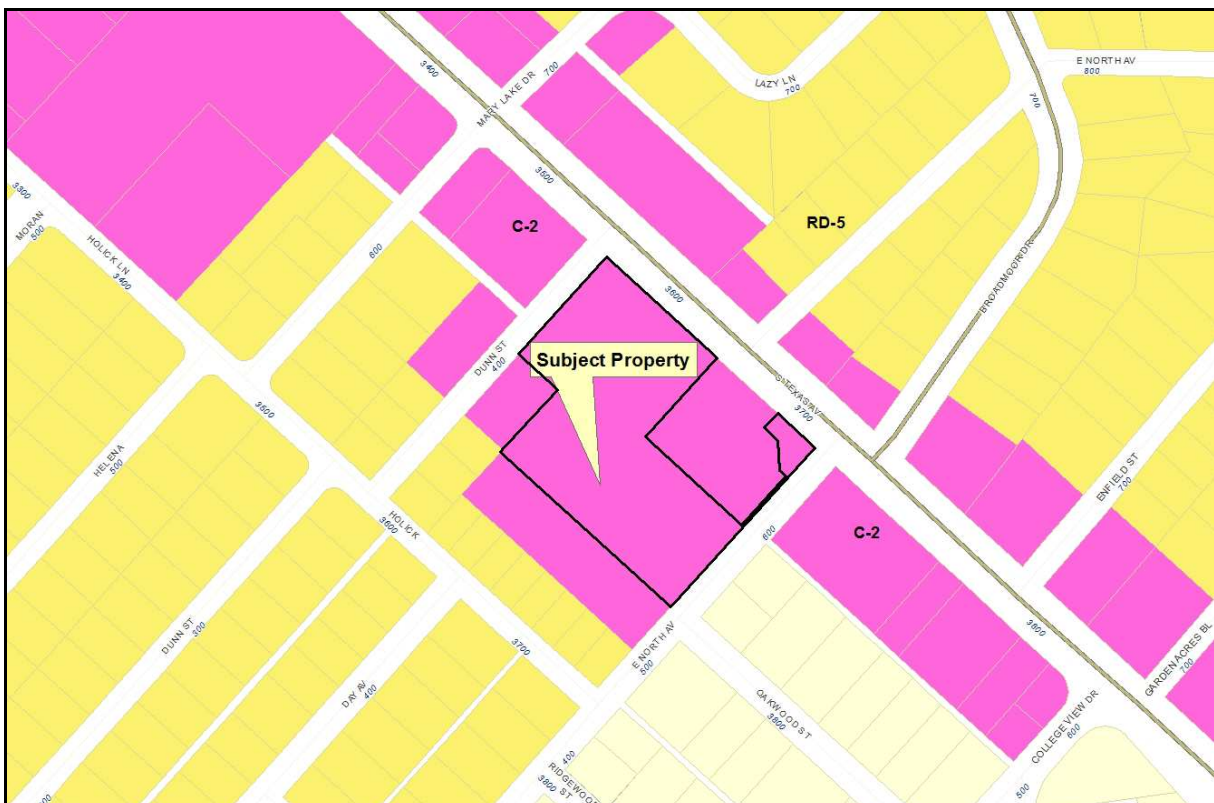
**LEGAL DESCRIPTION:** Lot 1R-A in Block 2 of the Ramsey Place Subdivision - Phase 3

**EXISTING LAND USE:** 15 units of commercial retail businesses

**APPLICANT(S):** Raymond Warren

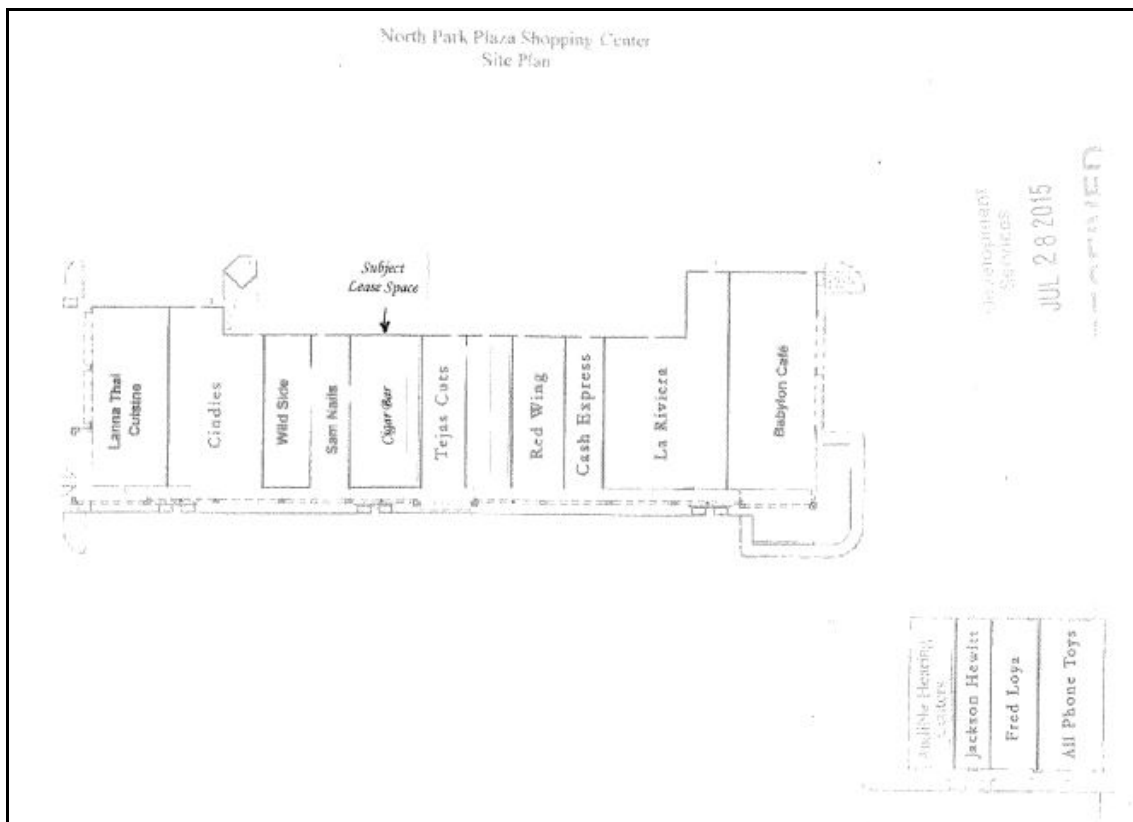
**STAFF CONTACT:** Stephanie Killam, Staff Planner

**SUMMARY RECOMMENDATION:** Staff recommends **approval** of this request.





**SITE PLAN:**





**SUBJECT PROPERTY – 3700 S TEXAS AVE (SEVEN OF SIXTEEN UNITS)**



**SUBJECT PROPERTY – 3700 S TEXAS AVE SUITE 650 (CURRENTLY VACANT)**



## **BACKGROUND:**

The applicant, Raymond Warren, desires to develop a cigar specialty store, selling cigars as well as fine spirits intended to enhance customer's enjoyment of the high end cigars in Suite 650 of the North Park Plaza Shopping Center, which is currently unoccupied. The City of Bryan Code of Ordinances prohibits smoking in public areas with the exception of tobacco specialty stores and nightclubs. This proposed cigar specialty store is not planned to be a traditional bar or nightclub as the business plan's goal is to provide superior cigars. However, in the context of Bryan's zoning regulations, due to the proposed serving of alcoholic beverages for on premise consumption, the use is considered a nightclub, as defined in Zoning Ordinance Section 130-3:

*Nightclub* shall mean an establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where food and/or dancing may also be provided.

The subject property is zoned Retail District (C-2). Nightclubs with a floor area of less than 5,000 square feet are potentially allowed in C-2 zoning districts, but only with prior approval of a Conditional Use Permit by the Planning and Zoning Commission. The applicants are requesting of such a Conditional Use Permit, to allow for the sale and consumption of alcohol at this location.

The applicant has submitted a business plan which is attached to this staff report, which includes details about the installation of air purifiers and ventilation systems. The proposed name of the nightclub/cigar bar is "Hill Country Tabacalera" and seating accommodations for the business are not proposed to exceed 50 individuals.

## **RELATION TO BRYAN'S COMPREHENSIVE PLAN:**

The City's Comprehensive Plan includes policy recommendations related to the various physical development aspects of the community. These aspects are supported by a set of goals and objectives. The Planning and Zoning Commission shall consider the following when making a decision regarding this particular request:

### Chapter 5: Land Use

#### Redevelopment:

*"The adaptive reuse of buildings and redevelopment of existing commercial structures supplements the tax base and beautifies the area. Residents sought to translate Bryan's success in Downtown and with the Tejas Center for other areas in need of redevelopment. Because of the number of areas in need of redevelopment, this effort was viewed by most as a top priority for Bryan."*

#### Regional Retail:

*"Regional Retail land serves as a commercial resource for the greater metropolitan area and generates vital sales and ad valorem income. These uses should be located in areas that are:*

- At points of highest visibility and access; and*
- In close proximity to major intersections (freeway/expressways and freeways, freeways and major arterials, and major arterials and major arterials)."*

## **ANALYSIS:**

Approval of a Conditional Use Permit by the Planning and Zoning Commission shall be based upon the following criteria.

1. Whether the proposed conditional use conforms to applicable regulations and standards established by the Zoning Ordinance.

**The Retail District (C-2) is intended to provide locations for various types of general retail trade, business and service uses in areas which are generally compatible near to or adjacent, but not usually directly in residential neighborhoods. The proposed nightclub on the subject property was reviewed by the SDRC and the committee found that the proposed development will conform to all applicable regulations and standards, including off-street parking. The proposed development conforms to all standards of the Land and Site Development Ordinance and, with the Commission's approval of this Conditional Use Permit, will also conform to the applicable zoning requirements.**

2. Whether the proposed conditional use is compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features.

**Staff believes the proposed use of a nightclub/cigar bar in a currently unoccupied unit of a shopping center on the subject property will be compatible with existing uses on all abutting sides. The proposed business will be located in the North Park Plaza, a shopping center comprised of 16 retail lease spaces. Currently the occupied units include Jackson Hewitt (tax services), Spherion (temp agency), Fred Loya Insurance, Phone Accessories Store, Red Wings Shoe Store, Tejas Cuts (hair salon), nail salon, three restaurants, Cindie's Boutique and a credit access business. Hill Country Tabacalera is proposed to occupy Suite 650, which is located between Sam Nails and Tejas Cuts. Staff believes that the new cigar bar/nightclub use is appropriate in this particular environment because the Hill Country Tabacalera is not the traditional nightclub atmosphere, but, rather a specialty tobacco shop offering fine spirits and wine to augment the enjoyment of high end cigars.**

**A site plan for the North Park Plaza Shopping Center was approved on February 16, 2006 which met all applicable development standards including height, setbacks, landscaping, drainage, and access. The exterior of the existing structure will not be changed with the addition of this proposed use. Only the inside of the retail space will undergo changes to accommodate the cigar bar business plan's intended atmosphere. Staff has spoken with the applicant and the applicant is aware of all necessary building permits and inspections to accompany the interior remodel.**

3. Whether and the extent to which the proposed conditional use potentially creates greater unfavorable effect or impacts on other existing or permitted uses on abutting sites than those which reasonably may result from the use of the site by a permitted use.

**Staff believes that the proposed cigar bar/nightclub at this location would not create greater unfavorable effects or impacts on abutting properties than a retail development currently allowed by right on this property without conditional use permit. The design of the shopping center offers the best options for natural buffering and separations from adjacent properties along Texas Avenue and adjacent properties behind the retail center. Because this retail center is not currently at maximum occupancy, and will not reach full capacity even with the opening**

**of the proposed cigar bar/night club, staff believes there to be very little, if any negative traffic impact caused by the proposed business.**

4. Whether and the extent to which the proposed conditional use affects the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

**Staff does not anticipate that the proposed cigar bar/nightclub development at this location will generate any more traffic than what a retail business allowed by right could reasonably be expected to generate on these 3.6+ acres. The subject property stretches along the southwest side of the 3600 block of South Texas Avenue, between Dunn Street and East North Avenue. The property has access to Dunn Street, South Texas Avenue, and East North Avenue. South Texas Avenue classified on Bryan's Thoroughfare Plan as a super arterial street and can reasonably be expected to be capable of accommodating traffic loads associated with the proposed retail development. Staff believes that, because off-street parking is currently provided in accordance with requirements of the Land and Site Development Ordinance, employees and visitors of the new business will be able to park their automobiles on the subject property and not on adjacent public streets.**

5. Whether and the extent to which the proposed conditional use would reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

**Any new development on this property, including the proposed nightclub, is required to meet City regulations concerning erosion, flood, fire and other hazards and impacts. No variations from existing standards are being requested. Other than new signage, no exterior changes to the existing shopping center are being proposed.**

6. Whether and the extent to which the proposed conditional use adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

**The submitted site plan does not indicate the location of any proposed signage. With approval of this Conditional Use Permit, all signs would be subject to the standards and limitations that generally apply to properties zoned Retail District (C-2). The shopping center currently has a multi-tenant sign located on site. The City's sign regulations do not allow additional freestanding signage at this location. The new business is likely to be advertised on the existing multi-tenant sign. One new wall sign, attached to the façade of the applicant's lease space would also be allowed. Staff is confident that these standards will prevent the installation of distracting signs in inappropriate locations on this property.**

7. Whether and the extent to which the proposed conditional use provides adequate and convenient off-street parking and loading facilities.

**During the construction of North Park Plaza Shopping Center the developer exceeded the minimum required number of off-street parking spaces (260) by providing 291 spaces (including 8 handicap accessible spaces) for staff and customers. Staff believes that with the current retail business and approval of the requested conditional use permit, there is adequate and convenient off-street parking being provided at this location.**

8. Whether the proposed conditional use conforms to the objectives and the purpose of the zoning district in which the development is proposed.

**Nightclubs with a floor area of less than 5,000 square feet are potentially allowed in C-2 zoning districts with prior approval of a Conditional Use Permit. Staff contends that in this particular case a cigar bar supplementing its offerings by providing alcoholic beverages is appropriate in this location and conforms to the objectives and purpose of the C-2 zoning district within which it is located.**

9. Whether the proposed conditional use will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

**Staff believes that the proposed development will have few (if any) ill effects on properties or improvements in the vicinity.**

10. Whether the premises or structures are suitable for the proposed conditional use.

**Staff believes that the existing commercial retail center is suitable for the proposed use.**

#### **RECOMMENDATION:**

Staff **recommends approving** the requested Conditional Use Permit for this location to allow the operation of a nightclub of less than 5,000 square feet in the manner proposed; specifically to supplement the offerings of a tobacco specialty shop.